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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,751	08/25/2003	Michael L. Popick	030087 (BLL-0100)	3746
7590 Philmore H. Colburn II Cantor Colburn LLP 55 Griffin Road South Bloomfield, CT 06002				
12/23/2008				
EXAMINER				
HAIDER, FAWAAD				
ART UNIT		PAPER NUMBER		
3627				
MAIL DATE		DELIVERY MODE		
12/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/648,751

Applicant(s)

POPICK ET AL.

Examiner

FAWAAD HAIDER

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/18/08 has been entered.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-22 are rejected under 35 U.S.C. 101. Based on Supreme Court precedent and recent Federal Circuit decisions, a 35 U.S.C § 101 process must (1) be tied to a particular machine or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. In re Bilski et al, 88 USPQ 2d 1385 CAFC (2008); Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780,787-88 (1876).

An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory process, the claim should positively recite the particular machine to which it is tied, for

example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Here, applicant's method steps are not tied to a particular machine and do not perform a transformation. Thus, the claims are non-statutory.

The mere recitation of the machine in the preamble with an absence of a machine in the body of the claim fails to make the claim statutory under 35 USC 101.

Note the Board of Patent Appeals Informative Opinion Ex parte Langemyer et al.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudle et al (5,570,291) in view of Pfoertner (2003/0216934) and Bergholm et al (5,761,432).

Re Claim 1: Dudle discloses creating a telecommunication equipment order record including a telecommunication equipment order number, a project number, equipment data, accounting data, schedule data, supplier data and shipping data, wherein the creating includes populating the order record in response to input from a creator (see Figures 1-27). Dudle also discloses releasing the order record into an order database accessible by users in response to the verification status being positive and to a request from the creator (see 114 in Figure 3).

However, Dudle fails to disclose verification of the accounting data, and the verification status. Pfoertner discloses transmitting the accounting data to an accounting system for verification of the accounting data, the verification of accounting data including verifying that budgetary data and accounting fields are in predefined format and within expected data ranges for the accounting system, the verification including validating at least one accounting code in an accounting data field (see Figures 2-3, [0027, 0037]). Pfoertner also discloses receiving a verification status from the accounting system, wherein the verification status is positive if the accounting data is located in the accounting system, and the verification status is negative if the accounting data is not located in the accounting system (see [0026-0027]). From the teaching of Pfoertner, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dudle's invention with Pfoertner's disclosure of accounting data and verification status in order to check "billing and monitoring of payments received (see Pfoertner [0008])."

However, both Dudle and Pfoertner fail to disclose updating the order record and resubmitting the order record. Bergholm discloses updating the order record in response to the verification status being negative and to input from the creator and resubmitting the order record to the accounting system in response to the updating (see column 3, lines 2-5). From the teaching of Bergholm, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dudle's invention and Pfoertner's invention with Bergholm's use of updating and resubmitting the order record in order to "provide more efficient use of telecommunications network resources (see col.1, lines 2-3)."

Re Claim 2: Dudle discloses wherein the creating further includes copying an existing order record (see col.6, line 15).

Re Claims 3-4: Dudle discloses wherein the existing order record is a template (see col.9, line 23).

Re Claim 5: Dudle discloses wherein the accounting data includes a work identification and asset category code (see Figure 28, Figure 2, col.7, lines 49-50, col.17, lines 29-31).

Re Claims 6, 11: Dudle discloses wherein the accounting data includes a geographic location code and one or more common language location identifiers associated with the geographic location code (see Figure 3, col.9, lines 32-35).

Re Claims 7-9: Dudle discloses wherein: the supplier data includes a supplier code, and adding a new supplier code to a supplier code table. He also discloses

searching for the supplier code in a supplier code table and notifying the creator if the supplier code is not located in the supplier code table (see Figures 28-36).

Re Claim 10: Dudle discloses wherein the verification of the accounting data is performed during data entry of the accounting data by the creator (see Figures 4A-4B).

Re Claims 12-13: Dudle discloses further comprising validating the equipment data against a standard equipment configuration, which is accessed via a configuration application system (see Figure 2).

Re Claim 14: Dudle discloses wherein: the equipment data includes equipment type; the accounting data includes geographic location code, common language location identifier, and a work identification and asset category code; the schedule data includes order due date, ship date, start date, advance date, complete date, service date, building ready date, retire date and remove date; the supplier data includes supplier code, supplier contact and supplier contract number; the shipping data includes ship to code, papers to code, bill to code, consolidated order, shipping method, ship with special authority and package marking; and the order record further includes a completion notice code, an advance location common language location identifier code, an advance note, a location note mad an order description (see Figures 1-27).

Re Claims 15-18: Dudle discloses wherein the project accounting data includes geographic location code, common language location identifier and a work identification and asset category code; and the project record further includes project type, contact, OC code, authorization number, project description, advance date, and complete date (see Figures 1-27).

However, Dudle fails to disclose project data. Bergholm discloses further comprising: creating a project record corresponding to the project number, the project record including the project number and project accounting data. He also discloses copying the project record from an existing project record. Furthermore, he discloses wherein the project record includes an authorization number input by the creator (see Figures 1-26). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dudle's invention with Bergholm's use project data in order to "provide more efficient use of telecommunications network resources (see col.1, lines 2-3)."

Re Claim 19: Dudle discloses wherein the order record corresponds to one or more detail records, wherein each of the detail records include the project number, the order number, a vendor code, detail accounting data, item data, major material cost data, telephone company engineering dollars data, vendor engineering dollars data, vendor installation dollars data and vendor minor material dollars data (see Figures 1-27).

Re Claim 20: Dudle discloses further comprising: receiving input parameters from a report requestor; creating a report responsive to the input parameters and to data included in the order database; and transmitting the report to the report requestor (see Figures 5-27).

Re Claims 21-22: Dudle discloses wherein the report includes the accounting data and schedule data (see Figures 2-3).

Response to Arguments

5. Applicant's arguments filed 9/18/08 have been fully considered but they are not persuasive. The applicant argues that the following limitation in claim 1 is not disclosed: "transmitting the accounting data to an accounting system for verification of the accounting data, the verification of accounting data including verifying that budgetary data and accounting fields are in an acceptable format and within expected data ranges for the accounting system, the verification including validating at least one accounting code in an accounting data field." The Examiner relies on Pfoertner to disclose the above limitation. In [0037], Pfoertner discloses "verification of the respective limits for each transaction, as described above, the updating of account status and the generation of data for the initial accounting system." Then in Figure 2, Pfoertner discloses verifying a risk limit. Next, in Figure 3, Pfoertner discusses budgetary data. In [0027], Pfoertner discloses that "the current budget is verified and the service is only provided if the result of the verification is positive."

Then, the applicant argues that "wherein the accounting code includes a work identification and asset category code" is not disclosed from claim 5. In col.7, lines 50, Dudle discloses material codes. In col.17, lines 29-31, Dudle disclose a unique identification number as well. Next, the applicant argues that "wherein the accounting code includes a geographic location code and a common language location identifier" is not disclosed from claim 6. In col.9, lines 32-35, Dudle discloses a user location. The applicant's arguments in regards to claim 18 are the same as claims 5 and 6, which are addressed above.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fawaad Haider/
Examiner
Art Unit 3627

FIH

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627